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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,338	12/20/2001	Jesse L. Pedigo	H0002908 (4960)	8540
34284	7590	07/16/2003		
ROBERT D. FISH; RUTAN & TUCKER, LLP P.O. BOX 1950 611 ANTON BLVD., 14TH FLOOR COSTA MESA, CA 92628-1950			EXAMINER STONER, KILEY SHAWN	
			ART UNIT 1725	PAPER NUMBER

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

VB

Office Action Summary	Application No.	Applicant(s)
	10/026,338	PEDIGO, JESSE L.
	Examiner Kiley Stoner	Art Unit 1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 4-11 is/are allowed.

6) Claim(s) 1-3 and 12-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 8.

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “interpose” in claim 1 is used by the claim to mean “knifing or shearing” as stated by the applicant in the response, while the accepted meaning is “to place in and intervening position.” The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 are 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshikawa et al. (6,193,144 B1). Yoshikawa et al. teaches a scavenging blade (item #4); a printed wiring board receiving portion (item #8); and a movement mechanism adapted to move the scavenging blade and printed wiring board receiving portion relative to each other (Figure 1; column 3, lines 57-63); wherein the scavenging blade is positioned to interpose itself between a printed wiring board positioned in the receiving portion and at least some excess fill material on printed wiring board during such relative movement (Figure 1; column 3, lines 57-63). The squeegee of Yoshikawa et al. is positioned between the upper surface of the PWB and the upper portion of the excess solder. Yoshikawa et al. also teaches a printed wiring board positioned on the printed wiring board receiving portion, the printed wiring board having both first and second substantially planar surfaces that are substantially parallel to each other and at least one filled hole extending from the first surface to the second surface (Figures 1-2).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Oikawa et al. (JP-363295057A). Oikawa et al. teaches a scavenging blade; a printed wiring board receiving portion; and a movement mechanism adapted to move the scavenging blade and printed wiring board receiving portion relative to each other (purpose; constitution; and Figures); wherein the scavenging blade is positioned to

interpose itself between a printed wiring board positioned in the receiving portion and at least some excess fill material on printed wiring board during such relative movement (purpose; constitution; and Figures). The squeegee of Oikawa et al. is positioned between the lower surface of the PWB and the lower portion of the excess solder. Oikawa et al. also teaches a printed wiring board positioned on the printed wiring board receiving portion, the printed wiring board having both first and second substantially planar surfaces that are substantially parallel to each other and at least one filled hole extending from the first surface to the second surface (purpose; constitution; and Figures).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (6,193,144 B1) as applied to claim 1 above, and further in view of Erdmann (6,491,204 B1). Yoshikawa et al. teaches all of the limitations of the claims except the system is adapted to remove fill material which accumulates on the blade during the relative movement of the scavenging blade and printed wiring board.

Erdmann teaches the system is adapted to remove fill material which accumulates on the blade during the relative movement of the scavenging blade and

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printed wiring board stencil. At the time of the invention it would have been obvious to combine the scavenging blade cleaner of Erdmann with the scavenging blade system of Yoshikawa et al. in order to provide a clean blade for each wiping action. Clean blades wipe more effectively than dirty ones.

Response to Arguments

Applicant's arguments with respect to claims 1-3 and 12-14 have been considered but are moot in view of the new ground(s) of rejection. The Applicant has failed to patentably distinguish the scavenging blade over the prior art. The broadest interpretation of a scavenging blade is just a blade. Squeegees are also blades, so the squeegees of Yoshikawa et al. and Oikawa et al. still read on the scavenging blade of claim 1. In addition, the squeegees of Yoshikawa et al. and Oikawa et al. are still interposed between the PWB and the portion of the excess fill material on the PWB, which reads on the applicant's amendment to claim 1.

Allowable Subject Matter

Claims 4-11 are allowed.

Claims 12-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach either alone or in combination a scavenging blade system as

recited by claim 12, particularly the scavenging blade is adapted to shear off fill material and promote uniform planarization by at least partially avoiding fill material dish-down into any filled holes caused by removal of excess fill material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiley Stoner whose telephone number is (703) 305-0723. The examiner can normally be reached on Monday-Thursday (7:30 a.m. to 6:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on Monday-Friday. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Kiley Stoner A.U. 1725

Kiley Stoner 7-8-03